

## When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases

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**T**he purpose of this paper is to identify promising court-based or court-linked practices and programs that can effectively address the difficult challenges posed by dual jurisdiction cases. It is an initial effort to present what courts are currently doing or what courts can do to improve coordination of dual jurisdiction matters.

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Research has established the strong correlation between child maltreatment and subsequent delinquency and violence. The literature is replete with well-designed longitudinal and prospective studies that consistently confirm the impact of child abuse or neglect on a host of behavior problems, the higher risks of future criminality and violence posed by youth with histories of childhood maltreatment, and the need for effective prevention and early intervention efforts that precede court involvement.<sup>1</sup>

But how have the dependency and delinquency systems coordinated their response to these consistent findings?<sup>2</sup> What happens when a single youth becomes involved with both systems simultaneously?

In too many instances, the two kinds of cases weave their way down separate paths, before separate judges, in pursuit of separate goals, and without any coordination, cooperation, or even communication. The child may be represented by different attorneys. His or her assigned probation officer and his or her assigned child protection worker may be unaware of each other's existence. Eventually, what are in effect dueling case plans may emerge, featuring contradictory orders as well as services and treatment that are at odds with one another.

"Dual jurisdiction" cases of this kind present unique challenges for both systems.<sup>3</sup> Because of their complexity, they drain scarce resources from child welfare agencies, probation departments, and the courts themselves. They prompt unintended duplication of case management efforts. They usually guarantee the influx of multiple parties and professionals, some with conflicting goals and missions, adding substantial costs and detracting from effective and timely action.

This paper will identify promising court-based or court-linked practices and programs that can effectively address the difficult challenges posed by dual jurisdiction cases.<sup>4</sup> It represents an initial attempt to identify what courts are doing, or can do, in dual jurisdiction matters. It draws information from three basic sources:

- *Survey.* To get a better sense of how courts are dealing with dual jurisdiction cases, the National Center for Juvenile Justice (NCJJ) conducted a brief national survey in which we attempted to obtain current practice and program information from the two largest jurisdictions in each state as well as other jurisdictions with populations of 500,000 or more persons. In all, we contacted 146 jurisdictions and 94 of these (64%) responded to our brief questionnaire. Promising practices and programs identified through the survey are highlighted throughout this paper.
- *Work with court systems.* Some of the information we offer here reflects our experience working with numerous juvenile and family courts across the country on a wide variety of juvenile justice-related topics.
- *Literature review.* Where possible, we also refer to existing “best practices” drawn from nationally recognized sources that seem particularly applicable to dual system cases. There is no single source of “best” or suggested court practices for dual jurisdiction cases. As a result, we reviewed a number of widely recognized articles and publications covering dependency case processing, delinquency case processing, probation casework, social work, and other realms.

From these sources, we selected five categories of court practices we feel are particularly relevant to the handling of dual jurisdiction matters.<sup>5</sup> Within these five categories we identified more specific court-based or court-linked practices we feel are germane to this issue:

- *Screening and assessment:* meaning, from initial intake on, standardized processes and tools used by the court and other agencies to ensure that juveniles with involvement in dual systems are identified and their needs, risks, and safety issues properly assessed.
- *Case assignment:* meaning special procedures implemented by the court to assign dual jurisdiction matters to judges, attorneys, and others involved in dependency and delinquency processes.
- *Case flow management:* meaning special steps taken in the court process, from the filing of petitions through disposition and beyond, that provide for substantive and timely handling of dual jurisdiction proceedings.
- *Case planning and supervision:* meaning unique approaches evident after the court process has been initiated that include having someone or a team responsible for coordinating services for these youth and their families, and supervising of these cases.
- *Interagency collaboration:* meaning substantive agreements between the court and other agencies that clearly delineate roles and responsibilities related to youth involved in two systems,<sup>6</sup> and that translate into effective action at the frontline level.

It is important to recognize that, while some of the practices and programs discussed here are supported by empirical evidence indicating measurable benefits, few court-based or court-linked practices or programs addressing dual jurisdiction matters have been fully evaluated. Nevertheless, we firmly believe that the juvenile court

is uniquely positioned to assume a leadership role in prompting the development of effective interventions and practices.

## **Screening and Assessment**

All courts should have a method for promptly identifying a dual jurisdiction case as soon as it enters the system. While a reliable automated system with the ability to promptly check for dual involvement is preferable, there are other options. Even a coordinated manual effort to identify co-occurring cases can produce positive results. The court should take a leadership role in ensuring that special screening steps are in place to quickly identify cases involved in two systems.

Careful assessments of the family constellation should be conducted whenever feasible, to ensure that the intervention does not fall solely on the “problem child.” Families of dual system youth frequently present a number of problems, including histories of parental criminal activity, chronic substance abuse, mental illness, and other challenges. A comprehensive assessment of a family’s needs, risks, and strengths, combined with a careful safety assessment to determine if children (including siblings) are at risk of further abuse or neglect, should be conducted.

The following screening and assessment practices appear most relevant for dual jurisdiction matters:

*Routine screening for court involvement in abuse and neglect matters when a delinquency referral occurs.* The court and child welfare agency should have standardized

processes and protocols to promptly identify whether a juvenile referred for a delinquent act has a history of and/or concurrent involvement in dependency matters. The ability to promptly identify whether a child or juvenile has been or is involved in two systems can prevent a variety of problems including duplication of efforts, prolonged detention periods, miscommunication between agencies, and other dilemmas.

For instance, when a youth in foster care is arrested, ‘front-line’ juvenile justice officials (e.g., intake, detention, and probation) may not know that the juvenile is involved with the child welfare system and, even when informed, may not know whom to contact. In many instances, detention personnel and police may have to rely on self-reported information provided by the juvenile, which may not be sufficient to locate foster parents or a caseworker. Even if the child is able to provide contact information, police and intake workers may not be able to reach foster parents or child protection social workers, especially when arrests occur after conventional work hours.

In some jurisdictions, judges who do not have sufficient information about a young person’s legal guardian may be more likely to detain a child regardless of the severity of the crime committed. Because initial detention hearings occur shortly after a youth is detained, the difficulties identifying assigned child protection caseworkers often prevent these workers from attending initial detention hearings which can inhibit timely release. There may also be times when child welfare caseworkers are notified of a youth’s detention, but these workers may feel that due to the arrest, the juvenile is no longer their

responsibility. If the foster youth is detained for several days, the foster placement may also be jeopardized because foster parents may not be aware of the detention, may not want the juvenile back in their home, or may not be aware of what to do when a child previously placed in their care is detained.

Similar challenges arise when juveniles in group care homes are arrested. Although many group homes can hold a bed open for three days, if the group care agency does not know a missing youth has been detained it is likely to fill that juvenile’s bed due to high demand. Things can get even more complicated when a resident of a group home commits or is charged with a delinquent act stemming from a behavioral outburst at the group home (e.g., an assault of a staff member or other group home resident). In either circumstance, detention staff, probation officers and, if known, child welfare workers have to search for a different group home or emergency placement.

There are steps courts and agencies can take to minimize these concerns, including the sharing of automated databases and the establishment of interagency liaisons or screeners who are responsible for ascertaining dual involvement.

In our brief national survey, a majority of respondents indicated they screen for court involvement in abuse and neglect matters when a delinquency referral occurs. However, there is wide variance in screening practices among these sites. For example, some jurisdictions rely on self-reports, asking youth or family if there is dual system involvement. In some jurisdictions, the intake person or unit may initiate follow-up calls to the agency if dual involvement is

suspected. Intake personnel often rely on manual record searches to ascertain concurrent status. In other locales, there are automated court databases that can be routinely checked. Very few officials report having integrated countywide or statewide databases that can confirm dual involvement.

Courts may also want to examine the feasibility of expanding their delinquency intake screening process to determine if the juvenile and his/her family have ever had any past or current informal involvement with child welfare. Knowledge of any prior investigations—particularly substantiated investigations regardless of whether these ultimately resulted in formal agency involvement and court action—can be important information for intake screeners in determining whether more intensive or targeted action is warranted on a delinquency complaint. Formal agreements may need to be established for the court to access child welfare investigations data and to ensure that all appropriate confidentiality concerns have been addressed.<sup>7</sup>

*Routine screening for court involvement in delinquency matters when a dependency petition is filed.* In a similar vein, the child welfare agency and the court should have standardized practices for promptly verifying if an age-eligible child who is the subject of a dependency petition also has current or prior delinquency activity. Again, this can be done through automated and/or manual processes.

*Formal protocols for notifying agencies of dual involvement.* The agency and the court should have a written protocol for notifying each other when dual involvement is confirmed. This notification should go beyond mere email or written

## The Benefits of Prompt Screening and Notification: Project Confirm, New York City

A program created to address interagency communication and coordination issues, as well as prolonged detention stays experienced by many foster children, is ACS Confirm (formerly Project Confirm).<sup>\*</sup> ACS Confirm works with dependent minors facing juvenile delinquency charges and includes children in foster care as well as those under court-ordered supervision. The program uses two primary strategies: a coordinated notification system and court conferencing with the foster care youth and caseworker.

Coordinated notification begins upon the admission of a juvenile to one of New York City's secure detention facilities. Once admitted, an ACS Confirm screener searches the child welfare system database to determine whether the youth is in foster care. If the screener identifies a foster child, a foster care agency caseworker is contacted as well as the detention staff and /or police or probation officer assigned to the minor. The agency liaison is quickly notified of the foster youth's arrest and is consistently consulted when making decisions affecting that youth. Under New York City ACS mandate, a child welfare caseworker must appear at the court to accept custody of a released child and attend any additional court hearings if the child continues to be detained. The Confirm field coordinator also provides information about detention visitation, significant contact information, gathers specific medical information about the minor, and provides vital child welfare information to juvenile justice and court staff such as the contact information for the assigned child welfare caseworker.<sup>\*\*</sup>

After notification, Confirm uses court conferencing to bring together foster care caseworkers, probation officers, and other officials, to guide these key players through the court process. A Confirm field coordinator facilitates the court conference prior to the first hearing, assists caseworkers with the legal process, gives officials information to help them make informed recommendations to the judge, and makes sure that a person who is authorized to accept temporary custody of the foster child is present in the event of a release. In this way, ACS Confirm field coordinators ensure that all key parties participate in the court process.

ACS Confirm offers a successful model for reducing the unnecessary detention of foster children and increasing communication and cooperation of front-line staff. The Vera Institute of Justice's Youth Justice Program, is committed to help officials in other jurisdictions adapt aspects of ACS Confirm to reduce the unnecessary detention of foster children. For more information, visit the Vera Institute of Justice website at [www.vera.org](http://www.vera.org). For information about ACS Confirm's current operations please contact Eileen Lopez, Director of ACS Confirm at the NYC Administration of Children's Services at 212-966-8146 or email [procon@acs.dfa.state.ny.us](mailto:procon@acs.dfa.state.ny.us). Information about ACS Confirm is coming soon to the ACS website at [www.nyc.gov/acs](http://www.nyc.gov/acs).

<sup>\*</sup> Initiated by the Vera Institute of Justice, a private non-profit organization, Confirm was created in 1998 to prevent extended and unwarranted detention of foster children arrested in New York City. On September 30, 2001, the Vera Institute of Justice transferred primary responsibility for operating Project Confirm to the Institute's main partner in the project, the New York City Administration for Children's Services (ACS). For the next year, the Vera Institute provided analysis and technical support, ending its formal relationship with the project on October 1, 2002.

<sup>\*\*</sup>See T. Ross. D. Conger, & M. Armstrong. *Bridging Child Welfare and Juvenile Justice: Preventing Unnecessary Detention of Foster Children*. (May-June, 2002) *Child Welfare*, Vol. LXXXI, No. 3.

notification. It should trigger action in the form of interagency or multidisciplinary planning, service provider notification when applicable, and other effective and prompt responses.

*Use of Structured Decision-Making (SDM) tools for child protection and juvenile probation.* According to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), "the primary goals of the Structured Decision-Making model in child protection matters are to (1) bring a greater degree of consistency, objectivity and validity to child welfare case decisions and (2) help CPS agencies focus their limited resources on cases at the highest

levels of risk and need."<sup>8</sup> The same principles apply for juvenile probation tools, frequently referred to as "case classification" or "risk and needs assessments." Regardless of the setting, structured assessment tools are used to imbue greater consistency across key points in the case decision-making process, while still allowing for appropriate consideration of individual and/or unique circumstances.

In all Structured Decision-Making models, each tool incorporates decision protocols—based directly on assessment results—to guide the agency's or department's response to each family and youth.

In other words, Structured Decision-Making focuses on how case management decisions are made and how agency resources can best be directed. Recent research suggests that child protection agencies that follow the OJJDP Structured Decision-Making guidelines can reduce the risk of future delinquency among maltreated children. In the probation arena, use of validated risk assessments and standardized needs assessment processes helps to guide decision-making, define supervision objectives and identify gaps in resources.

In dual jurisdiction cases, the court should receive easy to understand

## Setting Specific Assessment, Contact, and Supervision Standards for Dual System Youth: The Family Court of Jefferson County, Alabama

The Probation Services Division of the Family Court of Jefferson County in Birmingham, Alabama, developed and implemented standardized risk and needs assessments that incorporate the Structured Decision-Making aspects recommended by OJJDP.

The development of the Structured Decision-Making approach in Jefferson County presented some challenges for local authorities, not the least of which was bridging the historic gaps between the goals of child protection and juvenile justice (i.e., child safety versus juvenile accountability and community protection). But the court and its probation division recognized that their previous screening methods did not capture the unique needs of and risks posed by dual jurisdiction youth and their families, who typically require multiple services and more frequent contacts than other cases. To address these challenges, the court formed a committee which included representatives from juvenile probation, the Department of Human Resources (the state agency that administers child protection services in Alabama), judges and other court officials, with the intent of developing contact standards and Risk/Needs instruments that accurately reflect the complexity of dual jurisdiction cases.

After a series of meetings, the committee completed development of four tools intended to improve handling of dual jurisdiction matters. The new tools included the “Juvenile Assessment of Risk,” the “Assessment of Identified Juvenile Needs,” the “Social History Questionnaire,” and updated contact standards, all designed to include specific items relevant to dual jurisdiction juveniles and their families.\*

Jefferson County’s probation standards specifically address dual jurisdiction (referred to as “DHR Delinquent/CHINS” cases), and include detailed contact requirements, procedures for handling technical violations, and requirements for interagency supervision planning. These standards require either weekly or monthly interactions between probation officers and agency social workers to increase joint case planning and communication. Jefferson County officials also created a specialized probation unit to handle dual jurisdiction cases in cooperation with the child protection agency. The family court, the probation division, and the child protection agency recognize that access to relevant information, accurate screening tools, and ongoing communication, enhance dual system case handling and, ultimately, should improve case outcomes. For more information, contact Probation Supervisor Adrienne Merrit at 205-325-5824.

\* The Jefferson County assessment tools and contact standards were formally approved for use in applicable family court matters by the presiding family court judge, and are also intended for use in truancy cases.

reports from both child protection and probation sources that summarize the assessment results and that reflect coordination between the two entities. In jurisdictions that use different tools for child welfare and juvenile probation, there should be some mechanism for linking the two to provide relevant information to the court. Most importantly, while the use of validated Structured Decision-Making tools should enhance consistency and fairness, it does not supplant judicial decision-making or the ability of the court to base decisions on the individual circumstances of a particular case.

*One-stop interagency intake assessment and screening centers.* Investigations of child abuse and neglect have benefited from the advent of Children’s Advocacy

Centers (CACs).<sup>9</sup> These one-stop locations promote interagency coordination of investigations of child abuse and neglect. CACs allow specially trained detectives, child protection investigators, medical professionals, forensic interviewers, mental health professionals, prosecutors, victim advocates, and others to work together to investigate allegations of abuse or neglect as soon as a report is received. This coordinated and timely approach contrasts markedly from the traditional fragmented process where agencies do not collaborate, often resulting in repeated interviews of child victims, confounded evidence, and other problems.

The approach and principles underlying advocacy centers seem

relevant to dual jurisdiction cases, particularly for the assessment and case planning phases. One-stop multi-agency assessment centers that mirror some of the characteristics of CACs would allow court intake staff (for dependency and delinquency cases), social workers, juvenile probation officers, and others to work together from the onset of dual involvement, and conduct appropriate assessments of and planning for maltreated youth involved in both systems.

If desired, such a center could also involve contracted professionals who would provide the agency, the probation department, and the court with comprehensive assessments relevant to dual jurisdiction issues. In any of these approaches, the key is having a one-

## The Positive Impact of a One-Stop Placement Assessment Center: Sacramento, California

The Sacramento Assessment Center (SAC) is a 21-bed, non-secure, co-educational pre-placement facility that serves juvenile probationers, many of whom have histories of abuse and/or neglect and multiple placements. The SAC performs comprehensive assessments of delinquent wards to determine their placement needs. Typically, the SAC serves juveniles between ages 11 and 17 years of age who have been committed to placement by the court. The SAC is staffed by a multidisciplinary team (MDT) that conducts a battery of assessments to determine the full scope of needs of a juvenile and the juvenile's family, including placement and services.

The probation department's placement process, referred to as the IMPACT (Integrated Model for Placement Case Management and Treatment) program, uses an evaluation tool designed to develop a case plan to situate the minor in the most appropriate available placement that best addresses his/her assessed needs and risks. The MDT consists of the assigned probation officer, a psychiatrist, a psychologist, a family evaluator (social worker), an occupational/recreational therapist, and a school psychologist. The team focuses on determining the functional level of each resident in ten areas: criminality, education, psychology, medical, social attachment, vocational skills, substance abuse, mental health, recreation, and family dynamics. Once the assessment is completed and reviewed by the MDT, the team's recommendations and report are submitted to the probation department. The court allows the assigned probation officer to follow these recommendations without having to go back to court, and the placement is reviewed by the court at a calendared hearing every six months.

Initial program research has shown positive outcomes for youth assessed through the SAC's IMPACT program compared to a historical comparison group of similar youth who were in the juvenile justice system before the SAC opened.<sup>7</sup> In brief, the study found that IMPACT minors re-offend at a much lower rate, require fewer placements, spend less time in detention after their initial placement, and return home at a rate 50 percent higher than the historical comparison group. Again, while the Sacramento Assessment Center is not specifically designed for dual jurisdiction cases, in part because of the unique statutory framework in California, the types of cases served by the SAC share many of the characteristics of dual system youth, and there do not appear to be any reasons why this model could not be applied to multi-system cases. For more information, contact Susan Fuhr-Dunn, Supervising Probation Officer and Project Manager for IMPACT, at 916-875-0987.

\* See ELSAN Associates. *IMPACT Final Report*. (September, 2003). Prepared for the Sacramento County Probation Department and the California Board of Corrections.

stop location, or locations in more populous areas, where specially trained professionals from different agencies work together in either a call-in or co-located capacity.

Closer proximity would help many child welfare and juvenile justice professionals gather more comprehensive information and construct case plans most beneficial to the child, the family, and the community.

While our national survey did not reveal any specific one-stop assessment programs for dual jurisdiction matters, certain attributes of the Sacramento Assessment Center (see above sidebar) seem applicable to the unique circumstances presented by these cases.

### **Case Assignment**

How a court assigns a dual jurisdiction case—to judges, probation officers, attorneys, or others tied to the court process—represents a critical step. To avoid the problems associated with haphazard case assignment, we suggest the following practices:

*Calendaring for One Family/One Judge* - Unless there are conflicts or other compelling circumstances to cause a judge to move a case to another jurist, having the same judge handle the co-occurring matter makes sense. "One family/One judge calendaring" is strongly recommended by the National Council of Juvenile and Family Court Judges' *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases*.<sup>10</sup> A growing

number of courts, including those participating in the national Model Courts project,<sup>11</sup> recognize the benefits of a single judge hearing all matters related to a single family. In dual jurisdiction cases, a single judge will be much more likely to have a complete understanding of the family's court history, including responses to prior court orders, and to be capable of sending consistent messages to all parties. At a minimum, it appears particularly critical to have the disposition hearing conducted before the judge assigned to the family, even if earlier proceedings were conducted by a different judicial officer.<sup>12</sup>

*Dedicated dockets.* Courts with a considerable number of dual system cases may want to consider reserving a block of time on their court calendars specifically for

## Creating a Dedicated Dual Jurisdiction Docket: The Family Court of Jefferson County, Alabama

To address the challenges presented by dual jurisdiction cases, the Jefferson County Family Court incorporated a dedicated docket within its One family/One judge calendaring approach. Specifically, the judge assigned to the initial dependency case for a dual system juvenile retains that case in the event of a subsequent delinquency matter. If the delinquency precedes the dependency, the judge retains the case when a subsequent dependency occurs. A specific day of the week is reserved to hear dual jurisdiction cases. Because child protection workers, probation officers, court officials, and other key parties are aware they may be required to appear in court on one specific day, they can keep their schedules open. By combining the One family/One judge approach with a consistent and predictable date for dual jurisdiction hearings, the court minimizes schedule conflicts and allows key parties to attend hearings to present more complete information to the judge.

hearings on these matters. Coordinating the schedules of all applicable parties and ensuring that sufficient hearing time is allocated to discuss case plan issues may be easier if a pre-arranged block of court time is dedicated each week (or every other week) to such proceedings. Assigning a specific judge to this dedicated docket may also be worth consideration as it would allow the jurist to become intimately knowledgeable with placement and access to service issues that may be somewhat more complicated because of the multiple systems involved with these youths and their families.

*Special qualifications for attorneys.* Courts should also consider assigning the most qualified and/or specially trained attorneys to handle dual jurisdiction matters. The concept of “One child/One attorney” may also be worth consideration. In some courts, it is not unusual for an attorney already representing a child in a dependency matter to be appointed in the delinquency matter as well (or vice versa). Sixteen courts contacted in our survey reported assigning the same attorney to both dependency and delinquency cases.

*Augmenting attorney staff to address demands.* Because of their complexity, dual jurisdiction cases make serious demands on attorney

resources. Finding more attorneys, providing special training for lawyers willing to take on these cases, and setting reasonable caseload sizes may be difficult in the current fiscal climate. But courts should, at a minimum, carefully evaluate existing attorney resources and consider assigning at least one to handle a manageable number of these cases. Courts should also think toward the future including, working with local law schools, where present, to develop resources capable of serving this unique population.

### **Case Flow Management**

The following case flow management practices may promote substantive and timely proceedings in dual jurisdiction matters, and help to avoid delays that may prevent timely intervention:

*Joint pre-hearing conferences.* Some juvenile courts, including some selected as national Model Court sites, have implemented pre-hearing conferences as part of their dependency reforms. These conferences are non-adversarial meetings that immediately precede the first court hearing in dependency cases. They focus on the need to promptly address

service delivery to children and families, visitation issues, and placement considerations. By holding joint pre-hearing conferences in dual jurisdiction cases, all parties involved in a case, including those from child protection agencies and probation, can meet in advance of court proceedings to solidify their efforts and plans. At a minimum, joint pre-hearing conferences would require social workers and probation officers to work together earlier in the life of a case than they usually do. Prompt coordination may be especially important in families that have younger siblings who are also at high risk of dual system involvement.

*Combining dependency and delinquency hearings.* Our survey revealed 27 jurisdictions that routinely combine proceedings (most often, review hearings) in dual jurisdiction matters. By consolidating hearings, the court can ensure that different agencies and parties are coordinating their efforts, sharing information as appropriate, and complying with court orders. Holding joint hearings can also reduce the strain on crowded court calendars, reduce continuances and scheduling conflicts, and can enhance the chances that all key parties attend and participate in key hearing events.

## **Consolidating Dependency and Delinquency Hearings: The Cochise County Juvenile Court, Arizona**

Innovations in coordinating dual jurisdiction matters are not limited to large urban courts. In Cochise County, Arizona, a largely rural area in southeastern Arizona, the presiding juvenile court judge consolidates all post-adjudicatory dependency and delinquency hearings unless there are compelling reasons not to do so. This presumptive consolidation, if you will, ensures that the judge will receive information and testimony from both the assigned probation officer and CPS caseworker at the same hearing. For more information regarding the consolidation of hearings in Cochise County, contact Judge Charles Irwin at 928-226-5413.

*Time certain scheduling.* Scheduling for time certain hearings improves the predictability of key court events and enhances the credibility and public perception of the court. It can also reduce the amount of work time missed by family members or other caretakers involved in these matters. Thirty-four of the courts responding to our survey routinely utilize this practice.

*Court control of continuances.* The *Resource Guidelines* stress the importance of firm and effective policies on continuances. Timely judicial action is essential for timely intervention, particularly in dual jurisdiction cases. Yet, because of the complex conditions surrounding

these cases, the court must find an appropriate balance between the need for prompt action and the need for careful assessment, planning, and monitoring of such action.

*Joint court orders and/or court reports.* It is not uncommon for co-occurring dependency and delinquency cases to take different paths, especially when more than one judge is involved. This can result in contradictory court orders. Joint orders can clarify the court's expectations for children, parents, probation officers, agency social workers, and others involved in the case.

*Mandatory probation officer attendance at dependency hearings and child welfare worker attendance at delinquency hearings.* Having both case managers attend court hearings increases the chances that the court will receive the information it needs to make informed decisions. It can also give the court a sense of just how well probation officers and agency staff are working together. However, requiring probation and agency personnel to attend all hearings can pose significant drain on staff resources, particularly the time they have to do their jobs in the field. Team approaches and/or CPS liaisons (discussed later in this report) can help in this regard.

## **Requiring Caseworkers and Probation Officers to Attend Hearings Together: The Allegheny County Juvenile Court, Pennsylvania**

In Allegheny County, Pennsylvania (which includes the Pittsburgh metropolitan area) probation officers and caseworkers attend post-adjudication delinquency and child welfare review hearings in dual jurisdiction cases. Allegheny County Juvenile Court's One Judge/One family approach has made it possible to schedule dual jurisdiction hearings each Monday. This allows probation officers, caseworkers and all legal representation to be present for all hearings. The Juvenile Court's working policy also encourages probation officers and child welfare caseworkers to discuss case plan recommendations prior to each hearing in order to facilitate cooperation between the agencies—in particular, with respect to placement and services.

Cross-training is provided to all new probation and child welfare personnel. Supervisors from both agencies meet monthly to discuss any issues that have arisen as well as to plan future improvements in dual jurisdiction case handling. In addition, the Allegheny County Probation Department utilizes a portion of the child welfare agency's "risk factors" as a guideline when looking at the living situation or potential placement of a delinquent youth. Overall, judicial buy-in, input from the child welfare agency and probation department, and discussions with the court's legal representation (from both the child welfare and delinquency arenas), have made the implementation of joint hearing attendance and a dedicated court day a success in Allegheny County. For more information on Allegheny County's joint hearing attendance requirements contact Director of Court Services, Jim Rieland at 412-350-0175.

## Requiring Joint Court Reports: The Coconino County Juvenile Court, Arizona

In Coconino County, Arizona, a large geographic area serving Flagstaff and other northern Arizona communities, the juvenile court judge who handles the bulk of dependency and delinquency matters frequently issues court orders that require probation officers and child welfare caseworkers to prepare joint court reports in dual jurisdiction matters. The judge also requires both to attend all post-adjudication hearings. Juvenile probation officers and child welfare caseworkers report that this cooperative approach produces more comprehensive case plans that address child safety, juvenile accountability, and community protection concerns. For more information regarding dual jurisdiction efforts in Coconino County, contact Judge Margaret McCullough at 928-226-5413.

### Case Planning and Supervision

There is empirical evidence that innovative, collaborative case planning and supervision produce measurable benefits in dual jurisdiction cases.<sup>13</sup> The following practices and programs seem most likely to produce positive effects:

*Joint (child welfare and probation) case plans submitted to the court in advance of hearings.* Most often, child protection and probation officials submit separate case plans to the court at separate dependency and delinquency proceedings. In cases where the same judge handles both matters, it makes sense to have joint child welfare/probation case plans.

Specifically, such plans can appear in a single document, in separate sections whenever feasible, with documentation reflecting the efforts of the child protection worker and probation officer to coordinate their efforts and conduct cooperative case planning.

Disagreements and/or differences in case plan goals and objectives can be delineated by each in the same document submitted to the court. Concerns over confidentiality may have to be carefully addressed in advance with the court deciding when and if certain information cannot be shared between child

welfare and probation representatives. Regardless, cooperative case planning and coordinated (if not joint) case plan documents should be evident at each stage of the court process.

Most jurisdictions responding to our survey reported some form of collaborative case planning between child protection and probation. These approaches range from informal case planning that may take place over the phone between a caseworker and probation officer, to more formal approaches like team decision-making and resource staffings that occur in cases that involve multiple agencies.

The concept of a joint report, particularly in environments that allow social workers and probation officers to work together, has merit because it provides more information for the court in a single document. This would be particularly beneficial in jurisdictions that have separate divisions or judicial units for dependency and delinquency matters.

*Specialized case management and supervision units.* In most instances, dual jurisdiction cases will have at least two case managers, one for child welfare and one for probation.<sup>14</sup> Over the life of the case, a child and family may experience frequent changes in assigned case managers due to

rotation, changes in residence, and other factors. This can seriously undermine compliance with case plans and case progress.

One option, employed in a number of jurisdictions, is the formation of a specialized unit for youth involved in multiple systems. This can take a variety of forms, including units comprised of child welfare social workers and probation officers, specially qualified and trained child welfare and/or probation units, and probation units that have specially trained social workers assigned to assist officers with these cases.

Six jurisdictions responding to our national survey reported having court-based or court-linked *probation* units specifically for case management and supervision of dual jurisdiction cases. (See accompanying table on page 11.)

*CPS or Interagency Liaisons.* Formal agreements can address interagency coordination issues. In some locales, these agreements cover the creation of special liaison positions to help manage the complex issues presented by dual wards. Tarrant County (Fort Worth, Texas), Bexar County (San Antonio, Texas), and Denver County (Denver, Colorado), have all created liaison positions through cooperative agreements involving the juvenile courts, probation departments, community mental health providers, and child protection agencies.

## Joint Case Planning and Specialized Units: The Maricopa County Juvenile Court, Arizona, and the Ramsey County Juvenile Court, Minnesota

In Maricopa County, which includes the Phoenix metropolitan area, the challenges presented by dual system youth prompted both the probation department and the state child protection agency (CPS) to develop special units for these cases. The juvenile probation department's "Dual Ward Pilot Program" is comprised of specially trained probation officers who are responsible for the supervision and monitoring of dually adjudicated youth residing in out of home placements funded by CPS. While juveniles on standard probation may change probation officers when they change residences, probationers in the Dual Ward Pilot Program retain their specially assigned probation officers, regardless of placement changes, through probation duration.\*

Special training is provided to the program's probation officers through CPS, community mental health agencies, the juvenile court, and the probation department. The Dual Ward Pilot Program's probation officers work very closely with counterparts in the CPS "Dually Adjudicated Youth" (DAY) unit. The DAY unit is also comprised of specially trained caseworkers who provide case management and supervision of dependent/delinquent youth. DAY unit caseworkers maintain regular communication with the Dual Ward Pilot Program staff to maximize cooperation and avoid duplication. Joint (CPS/probation) case staffings are held regularly in both agencies with active participation from Guardians Ad Litem, therapists, school representatives, parents or guardians, and other key parties, including dually adjudicated juveniles themselves when appropriate. Although joint probation/CPS case plans are not prepared, both agencies report having a better understanding of each other's roles through cross-training, regular communication, and interagency staffings. For more information contact Cheri Townsend, Director of Juvenile Court Services, at 602-506-4011.

In Ramsey County which includes the St. Paul, Minnesota region, judges who handle delinquency matters have the option to assign juveniles to probation supervision in one of two separate departments: the Human Services Delinquency Unit or Community Corrections. Judges may refer cases to the Human Services Delinquency Unit by following established eligibility criteria. These criteria include dual jurisdiction, indications of serious emotional problems, and early onset of delinquent activity.\*\* Juveniles assigned to this unit have both a Human Services probation officer and a child protection caseworker. These two-person teams are housed in the same location. Ramsey County officials feel the best way to manage dual jurisdiction cases is to provide them with team members who have been specially trained to address different aspects (i.e., child welfare and delinquency) of a case. By co-locating probation officers and caseworkers, service coordination and case planning improves, resulting in decreased gaps in service delivery. For more information, contact Unit Supervisor Steve Dopson at 651-266-4859.

\* The Maricopa County Juvenile Probation Department assigns standard probation officers to specific geographic (zip code) regions of the county. However, because dually adjudicated youth tend to change placements more often than other probationers, probation officers assigned to the Dual Ward Pilot Program stay with their cases regardless of shifts in residence.

\*\*Dual jurisdiction juveniles who commit more serious offenses are assigned to Community Corrections for more intensive supervision.

These liaisons administer joint assessments, facilitate the provision of services, and increase communication among key agencies. (See page 12.)

*Multidisciplinary teams (MDTs) that are actively involved in case planning.* An MDT is a group of representatives from different agencies and professions (e.g., child protection, mental health, service providers, school, and others), that may include the child and the child's parents or caretakers, who work as a team to form comprehensive plans for a child welfare case. MDTs are often facilitated by the local child

welfare agency. In many jurisdictions, the MDT typically prepares and submits its case plan recommendations to the agency social worker, though in some cases it may submit recommendations directly to the court. MDTs may also conduct periodic case reviews and track the progress, or lack thereof, of assigned cases. The MDT approach seems quite applicable to dual jurisdiction matters.

Almost all survey respondents reported they use MDTs or interagency case staffings for youth involved in multiple systems, particularly youth with

serious mental health and substance abuse issues. However, other than the six aforementioned sites that have dual jurisdiction units (see page 11), there are no jurisdictions launching MDTs specifically for dependent/delinquent cases.

*Special qualifications and/or training required for case managers.* Those working with dually involved young people and their families should have an understanding of the dynamics of child development, the impact of child abuse and neglect, and both child welfare and juvenile justice goals. Case managers handling these cases should be cross-trained and

## Counties with Special Units for Case Management and Supervision of Dual Jurisdiction Cases

Jurisdiction & Name of Program	Who's Eligible	# of POs	Caseload Size*	Brief Description of Program
Bernalillo County (Albuquerque), New Mexico <i>Dual Probation Caseload**</i>	Youth adjudicated for abuse/neglect and delinquency.	1	15 No maximum caseload	One PO assigned to handle all dual cases. Ensures coordination between probation and protective services division. PO attends all post-adjudication abuse/neglect hearings.***
Jefferson County (Birmingham), Alabama <i>Dual Supervision Caseload</i>	Youth adjudicated for abuse/neglect and CHINS**** or delinquency.	2	40 to 50 (average) per officer No maximum caseload	One PO handles dual system cases, other handles dependency/CHINS cases. Court started program because it had two specially qualified PO's with social work backgrounds.
Hillsborough County (Tampa), Florida <i>Special Court Unit</i>	Dependent youth placed out of home who have been adjudicated delinquent, also includes juvenile sex offenders.	7 includes intake & sex offender POs	10 to 16 per officer	POs maintain monthly contact with dependency case workers; work closely with case workers until dependency is dismissed.
Los Angeles County (Los Angeles), California <i>Juvenile Dual Supervision Case Management Unit</i>	Dependent youth also adjudicated delinquent but court defers disposition for six months; and dependent youth charged with offense but judge defers judgment allowing dual supervision up to three years.	3	Caseload capacity of 100 per officer	POs work closely with assigned agency social worker to coordinate case planning and services.
Maricopa County (Phoenix), Arizona <i>Dual Ward Pilot Program</i>	Youth adjudicated delinquent and dependent, emphasis on youth placed out of home.	4*****	25 maximum per PO	Eliminates case transfer when juveniles change placements; PO's required to complete special training from CPS and juvenile court; minimum two contacts per month with youth and family, regular interagency staffings.
Ramsey County (St. Paul), Minnesota <i>Human Services Delinquency Unit</i>	Judges decide who to refer to the unit following established criteria. Target population includes non-violent or less serious offenders with serious emotional problems and very young offenders.*****	2 supervisors, 15 POs, and 3 case aides	25 to 20 per officer	Program started because judges wanted better coordination in dual jurisdiction cases. "Human Services Probation Officers" collocated with social workers at child welfare agency.

\* Because most of these efforts are fairly new, maximum caseload capacities have not been established in all of these jurisdictions.

\*\* The Albuquerque Protective Services Division (PSD) reports that they are attempting to consolidate dual supervision cases under one case worker.

\*\*\* Albuquerque PSD case workers attend all post-adjudication delinquency hearings in dual jurisdiction cases.

\*\*\*\* In Jefferson County, as well as many other jurisdictions, CHINS refers to what are often called status offenders.

\*\*\*\*\* Maricopa County Juvenile Court officials reported that one of these positions was recently assigned to handle a juvenile sex offender caseload due to a rise in the number of sex offender cases.

\*\*\*\*\* Cases assigned to this unit do not have to be "dually adjudicated," but they are involved in both systems in some capacity. Dual jurisdiction youth who exhibit more serious delinquent behavior may be assigned to the Community Corrections unit for more intensive probation supervision.

## The Benefits of Child Protective Services Liaisons

### Tarrant County, Texas

In 1998, the Tarrant County (which includes the Fort Worth, Texas area) Juvenile Probation Department initiated a contract with the local Child Protective Services office of the Texas Department of Protective and Regulatory Services (the state agency that administers child protection services in Texas) to create a CPS Liaison position. A full-time CPS specialist is located on-site at the probation department to work primarily with youths who are under juvenile court jurisdiction for delinquent acts and who also have documented abuse and/or neglect histories. The liaison is on call during judicial proceedings and is able to represent the assigned CPS caseworker during detention and other delinquency hearings, as well as participate in detention hearings for youth regardless of their status with CPS. The liaison helps expedite appropriate releases from detention when no one is present to take custody of a youth at a detention hearing. Liaisons initiate contact with parents, caseworkers and/or the District Attorney to expedite release. Joint agreements covering confidentiality of records have been reached between the probation department and child protection. These have allowed the liaison to obtain and provide all relevant information to key agencies. Overall, local officials report that interagency communication and cooperation have improved since the advent of the position, and judges consider the liaison an important resource for the court. For more information, contact Tarrant County CPS Liaison Shell Miller-Reyes at 817-838-4600, extension 411.

### Bexar County, Texas

About the same time that Tarrant County established its CPS liaison, Bexar County (which includes the San Antonio region) entered into a formal agreement with the state child welfare agency to create a liaison position and provide child protective services consultation for the juvenile probation department. The Bexar County liaison post was originally designed to facilitate "appropriate and expeditious" case management services between child protection and the probation department, but the role has evolved over time to reflect the unique circumstances surrounding dual jurisdiction matters. While the liaison is an employee of CPS, funding for the position is evenly split between the state child welfare agency and juvenile probation. The probation department also provides office space for the liaison. As in Tarrant County, the Bexar County liaison is on-call for court hearings to provide information to the court or to stand in if a CPS caseworker is absent. The liaison also provides case consultation, community outreach services, training and cross training for both agencies, assists probation officers with referrals to CPS or community agencies, and may accompany probation officers on field visits to advise parents about their obligations relevant to CPS. In addition, the CPS liaison is responsible for coordination, monitoring and tracking of all CPS wards who run away from their CPS placements. Coordination includes working with the downtown CPS legal unit, juvenile detention intake officers, and the assigned CPS worker to promptly find a new placement when needed, and to prevent unnecessary detention stays. Since this position was created, local authorities report both systems have built more positive relationships, viewing each other as resources to initiate better case planning for dual jurisdiction juveniles. For more information, contact the Bexar County CPS/Juvenile Probation Liaison Anne-Marie Fanchier at 210-531-1962.

### Denver County, Colorado

A third example of the liaison approach can be found in Denver County, Colorado. The Denver Department of Social Services (the county agency that administers child protective services in the Denver area) created a Court Liaison Specialist position in response to the juvenile court's requirement that agency caseworkers be present at all detention hearings involving a youth with an open dependency case. The Court Liaison Specialist is located at the local detention center and is responsible for reviewing every detention intake each morning during the week for current or past agency involvement. If a juvenile has an open dependency case, the liaison contacts the assigned caseworker regarding the youth's recent delinquent activity, and reviews all previous minute entries and case history information available on the youth. In this way, the liaison is familiar with a youth's abuse and neglect history and is able to represent the agency in delinquency hearings involving dual jurisdiction juveniles. The liaison works closely with the assigned caseworker to prepare court recommendations and case plans, and serves as a link to the agency, the juvenile court, and other community programs. In addition, the liaison makes recommendations to the family and caseworker regarding the appropriate level of care and treatment that a youth should receive. Conversely, if upon initial review, the liaison determines that a detained juvenile is not tied to an open dependency case, the liaison may still interview the youth and family to determine if child protection should be involved or if a community referral for services would be more appropriate. Local officials report that by locating the liaison at the detention facility, communication and cooperation have improved as has the handling of dual jurisdiction cases. For more information, contact the Court Liaison Specialist Karol Scanlon at 303-291-8932.

should know how to access resources in different agencies or systems. Pay scales for case managers handling dual system youth should be equivalent across agencies. Our survey did reveal some evidence of cross-training between child welfare and probation entities but this was limited to a very small number of sites.

*Reduced caseload sizes.* The Child Welfare League of America's Standards of Excellence for Service for Abused or Neglected Children and Their Families recommend that a CPS investigations worker handle no more than 12 investigations during a one month period. For ongoing CPS social workers, the ratio should be one worker for every 15 children. The standards of the American Probation and Parole Association recommend that juvenile probation caseloads not exceed 35 youth per probation officer for standard probation. Specialized caseloads, including intensive probation, sex offenders and others, are often capped at lower levels due to the special needs and risks presented by such cases. Multi-system youth may also benefit from smaller caseloads.

*Family-centered interventions.* The research literature indicates that coordinated efforts to intervene with the entire family, not just the so-called "problem child," are more likely to produce positive results.<sup>15</sup> Well-designed programs that incorporate "Functional Family Therapy," Wraparound services, and other family-based approaches have produced positive outcomes.<sup>16</sup> These include reduced recidivism for delinquent youth, fewer institutional commitments, less criminality among parents and older youth, less substance abuse, reduced risks of subsequent child abuse and neglect, improved educational status, and improved

family functioning. The court should facilitate the development of such programs in areas where they do not exist.

*Gender-specific programming for girls.* Females now represent approximately one-fourth of all juveniles referred to the juvenile court.<sup>17</sup> In addition, females are being referred more often for more serious offenses. Females involved in two systems are very likely to have histories of maltreatment. Programs that address these histories are more likely to be effective, though very few gender-specific programs have been subjected to rigorous evaluation.<sup>18</sup> Juvenile courts should help facilitate the development of gender-appropriate programs and services for girls in local communities, and ensure that staff members in these programs have the requisite experience and training to address the long-term ramifications of abuse and neglect.

*Programs targeting very young offenders.* Compared with juveniles whose delinquent activity starts during the teenage years, child delinquents (offenders younger than age 13) face a greater risk of becoming serious, violent, and chronic juvenile offenders.<sup>19</sup> Many of these children are involved in multiple systems and have histories of abuse and/or neglect. Stopping further system penetration for just one of these cases can save millions of dollars.<sup>20</sup> There is growing recognition of the need for an integrated approach to effectively intervene with child delinquents.<sup>21</sup> Courts should give serious consideration to developing and/or supporting such early intervention programs.

Our survey identified two court-linked programs—the Kent County (Grand Rapids, Michigan) Young Delinquent Intensive Intervention

Program and the Multnomah County (Portland, Oregon) Early Intervention Unit—that serve dual jurisdiction cases involving young children. Our literature search also revealed a number of examples of programs targeted for child delinquents, including the Michigan Early Offender Program, the Minnesota Delinquents Under 10 Program, the Sacramento County (California) Community Intervention Program, and the Toronto (Canada) Under 12 Outreach project. These are all early intervention models that serve substantial numbers of dual jurisdiction cases.

## **Interagency Collaboration**

Consistent with the premise of active judicial leadership and oversight promoted in the *Resource Guidelines*, the final category calls on the court to play a key role in establishing interagency agreements and ensuring that such agreements translate into effective action on the frontlines.

The following conditions, practices, and programs appear most relevant to meaningful interagency coordination of dual jurisdiction cases:

*Broad statutory authority.* Statutes that allow the court to order parents, guardians, or other family members, including siblings, to participate in court-ordered treatment during the course of dependency or delinquency matters may enhance parental compliance and improve case outcomes. California, Florida, Minnesota, and other states have such provisions which, ultimately, permit the court to focus on family issues, not just the issues of the dual system child.

California has a unique statutory structure related to dual jurisdiction. Under California's Welfare and Institutions Code, Section 241.1, juveniles that appear to be both dependent and delinquent must be investigated by both the child protective services department and probation department to help determine which status (dependent or delinquent) will best serve the interests of the minor and the protection of the community. The determination of this status ultimately rests with the court. This statutory framework may be useful in inhibiting cases from being involved in two systems at the same time.

However, although California law seems to prohibit dual jurisdiction status (i.e., the court is responsible for making the determination of dependency or delinquency), state statutes also provide the court some flexibility in the time it can take to render a determination. Specifically, the judge handling a delinquency matter has the following two options:

1. Adjudicating a juvenile as a delinquent (in most cases, this involves misdemeanor charges) but deferring disposition for six months. During this time, the juvenile may be placed under "dual supervision." For example, Los Angeles County has a Juvenile Dual Supervision Case Management Unit for this purpose and, if all requirements of dual supervision are satisfied, the delinquency case is dismissed after six months.
2. Deferring the judicial entry of judgment (i.e., determination of jurisdiction) and allowing the juvenile to be under dual supervision for up to three years. This option is usually applied when a dependent juvenile is charged with a more serious offense but

does not have an extensive history of delinquent acts.

It is not clear whether the California statutory model has distinct advantages. It could be argued, for example, that this approach takes the court's focus away from the unique needs and risks of each dually involved child and forces the court to place the child in one system or another, despite the fact that both systems may offer some benefits for the child and family. On the other hand, California's Code represents one of the rare examples of state law that specifically addresses the unique status of dual jurisdiction cases and provides the court with some options for attending to individual needs.

*Court-facilitated interagency planning meetings that address dual jurisdiction issues.* The national Child Victims Act Model Courts Project, has demonstrated the benefits of having judges facilitate collaborative planning efforts. Each national Model Courts site has a committee or workgroup, facilitated by the presiding judge or another assigned judge, that advises the court on needed reforms in abuse and neglect matters. Without this judicial leadership, significant changes in dependency practices would not be easy to achieve. Judicial leadership can also play a key role in fermenting reforms in dual jurisdiction practices. Judges are uniquely positioned to prompt key stakeholders to attend planning meetings and can keep group members focused on relevant objectives and tasks. Adding dual jurisdiction concerns to an existing committee or workgroup agenda, or establishing a specific group for this purpose, represent appropriate options. In national Model Court sites, this may require adding committee representatives from the delinquency field

including prosecutors, probation officials, and perhaps others.

*Formal written agreements.* Clearly written agreements between agencies, including the court, that delineate roles, responsibilities, and expected measurable outcomes related to dual jurisdiction cases can prevent misunderstandings between entities as they implement interagency efforts. Specifying agreed-upon goals for interagency management of dual jurisdiction cases, in writing, can eliminate such conflicts. Written agreements should include clear identification of the resources and services to be provided by each participating agency and provisions for the timely sharing of relevant information.<sup>22</sup>

*Collaborative funding arrangements.* In most states and counties, there are separate categorical funding pools that can only be used to pay for services for youth and families under the jurisdiction of a specific agency. Similarly, in many jurisdictions, there are specific categories of funds that can only be used to pay for services for youth and families that meet specific criteria. When dual involvement occurs in such environments, there may be conflicts over which agency is responsible for payment and services. This silo mentality may contribute to prolonged delays in intervention. However, a number of states and counties have eliminated or minimized the fragmented approach to funding services. Options include interagency agreements to pool funds, decategorization of funding (Iowa is probably best known for this approach), the use of federal Title IV-E funds for delinquent and dependent youth in out of home placements, and other alternatives intended to remove obstacles in traditional funding mechanisms.

*Integrated or shared information systems or databases.* Computer hardware and software, the internet, and other technologies have evolved to the point where they no longer present formidable barriers to sharing information. There are a number of jurisdictions that have overcome past technological, as well as bureaucratic and political, obstacles to create shared databases between the court, child welfare agencies, and probation departments. These tools allow the court and its designated officers to promptly access relevant information, address security concerns, and enhance the court's ability to monitor case outcomes and status.

## **Concluding Remarks**

Dual system youth present challenges for juvenile courts. Their cases often heighten conflicts between child protection and probation agencies, while draining scarce resources from both. Many of these youth, particularly children who have experienced patterns of abuse and/or neglect, and children who exhibit early onset of delinquency, are at very high risk of serious problems as they move through adolescence and beyond. In some jurisdictions, the challenges presented by dual involvement seem overwhelming, but it is important to remember that

preventing even small numbers of these cases from future problems will reap important benefits. While it is clear that early intervention and prevention efforts can deter many of these juveniles from subsequent delinquency and violence, substantial numbers eventually penetrate both the dependency and delinquency components of the court system. As a result, many courts should carefully examine current practices and programs, and the need for possible reforms.

While the research literature continues to confirm a very strong relationship between histories of childhood maltreatment, subsequent delinquency, and other problem behaviors, there has been very little work on how court practices can affect these troubling cases. The brief national survey conducted for this report and our experience in hundreds of courts across the country confirm that a relatively small number of courts, probation departments, and child welfare agencies have instituted special court practices and/or comprehensive programs specifically for dual jurisdiction cases.

Because so few of the practices listed in this paper have been the subject of rigorous research, it is important to keep our suggestions in the proper context. While we believe certain practices offer

some promise for more effective handling of co-occurring dependency and delinquency cases, we also believe that making more concrete recommendations, at this point, would be premature. As such, each jurisdiction should engage in healthy debate about the pros and cons of certain practices, and select those most applicable to their communities.

The contents of this paper comprise what we consider to be promising practices relevant to dual involvement, based on our brief national survey and our experience. Our discussions with juvenile courts, probation departments, and other across the country did reveal a growing interest in exploring ways to improve court handling of dual system cases.<sup>23</sup> A number of jurisdictions have implemented programs that reflect emerging research and other sources of recommended practices. We hope that our initial attempts to accumulate relevant information on these and other court-based and court-linked approaches, and our limited descriptions of each, are useful to courts and other agencies as they implement or participate in local planning efforts.

This paper presents a range of practice options for dealing with youth who are both dependent and delinquent. It includes a preliminary listing of promising court-based and court-linked practices and programs

### **An Integrated Computer System: The State of Delaware's Family and Child Tracking System**

Officials in Delaware report that the Family and Child Tracking System (FACTS) produces reliable statewide information, including the ability to promptly identify dual system involvement. The first screen on the FACTS database indicates whether a child is involved in either the child welfare or delinquency systems. There is also an automated tickler feature that notifies the child welfare agency when a dependent child is arrested. By using the same computer system, with applicable confidentiality and security protections, child welfare and probation officials are able to promptly share relevant information. For more information, contact the Delaware Department of Children, Youth, and Families Information Systems Manager at 302-892-6404.

## **Interagency Collaboration: Lackawanna County's "Center for Success"**

In 2002, the Pennsylvania Office of Mental Health and Substance Abuse Services provided a grant to the Lackawanna-Susquehanna-Wayne County Mental Health and Mental Retardation Program to improve mental health services for adjudicated delinquent or dependent youth and their families who are multi-system users. As a result of this grant, Lackawanna County (Scranton, Pennsylvania) initiated extensive interagency planning and system reforms, including changes specific to dual system cases.

Participants in system reform efforts in Lackawanna County included the Unified Family Court system, the Lackawanna County Department of Human Services, the Lackawanna Juvenile Probation Office, the Department of Children and Youth Services, and the Lackawanna Drug and Alcohol Program. These efforts prompted a new approach to youth and families involved in multiple systems called the Center for Success.

The presiding judge played an instrumental role in making the Center for Success a reality. The judge recognized that the historic separation of the court system and the local human services system was not working. As a result, the court system redefined its role and established a high level steering committee, chaired by the presiding judge, to plan and implement system reforms. These planning meetings resulted in a streamlined referral and follow-up process including screening for dual involvement. It also led to the development of the "Court Liaison Intervention Program" where a staff member representing the mental health, mental retardation, and drug and alcohol treatment systems was assigned to the family court and acts as a point person for follow-up with community agencies. Collaboration also produced an effective truancy reduction program to address the high number of dual system youth who exhibit serious school attendance and performance problems, plus other steps designed to address the dilemmas posed by dual system cases.

In many respects, the collaborative planning process in Lackawanna County can serve as a model for other courts to adopt to meet local needs. For more information, contact Judge Chester Harhut at 570-963-6306 or John Nalevanko at 570-963-6790.

that courts and other agencies can reference in developing more effective approaches.

As indicated, some of these approaches have demonstrated empirical benefits while others seem promising but require further evaluation. We suggest courts follow an incremental approach in exploring, prioritizing, and implementing workable options. An incremental approach seems particularly relevant in view of the current budget quandaries faced across the country. Despite these fiscal concerns, the court can and should play an instrumental role in ensuring that dual jurisdiction matters receive the special attention they deserve, and that active coordination occurs, at a minimum, between child welfare and probation officials.

## ENDNOTES

- <sup>1</sup> J. Wiig, C.S. Widom, and J.A. Tuell. *Understanding Child Maltreatment & Delinquency: From Research to Effective Program, Practice, and Systemic Solutions*. (2003) Child Welfare League of America. This monograph presents an excellent overview of the powerful link between abuse and neglect and subsequent juvenile delinquency, elements of effective programs, and the need for an integrated approach to practices, programs, and services.
- <sup>2</sup> Throughout this paper, “abuse/neglect” and “dependency” will be used interchangeably to refer to the juvenile court’s handling of child abuse and neglect matters. NCJJ recognizes that different jurisdictions use different terms (and acronyms) to refer to such matters.
- <sup>3</sup> In this paper, a “dual jurisdiction” case is one that experiences official dependency activity (any phase from petition filing on) and delinquency activity (any phase from the filing of a complaint or court referral on) during the same time period, regardless of which official activity occurred first. We will also be using terms like dual involvement, dual supervision, dual system, dual wards, and joint involvement to describe the same phenomenon.
- <sup>4</sup> “Court-based” means that the family or juvenile court has either enacted court-practices specific to dual jurisdiction cases and/or it has administered and provided oversight for a particular program serving this population. For example, a court may consolidate dependency and delinquency hearings for the same juvenile, or a court’s probation department (in circumstances where the court actually administers a probation department) may have special caseloads for dual jurisdiction cases. “Court-linked” refers to a practice or program that the juvenile court actively participates in but is not directly administered or overseen by the court. For example, a court may participate in interagency or multidisciplinary policy or case planning meetings specifically designed for dual jurisdiction cases.
- <sup>5</sup> NCJJ reviewed the following nationally recognized references to construct these categories. These included but were not limited to the *Desktop Guide to Good Juvenile Probation Practice* (DTG), the *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases* (and the companion *Adoption and Permanency Guidelines*), the *Child Welfare League of America’s Standards of Excellence for Service for Abused or Neglected Children and Their Families*, the National Association of Social Workers (NASW) *Code of Ethics*, as well as practices cited in the research literature (limited as it might be) that suggest certain practices may contribute to measurable benefits in dual jurisdiction cases (a complete listing of all sources reviewed appears at the end of this paper).
- <sup>6</sup> While we refer to “two systems” in this paper, we recognize that many dual jurisdiction cases involve multiple systems (e.g., mental health, education, adult criminal justice, etc.), not just child welfare and juvenile justice. However, our focus in this paper centers on juvenile or family court handling of these matters, and delinquency and dependency are the two primary realms of court involvement.
- <sup>7</sup> For example, juvenile probation staff screening a first-offender complaint for shoplifting may determine that the youth’s diversion contract may require more than participation in a Saturday morning property offender education seminar or an assignment of community work service hours. Knowledge of a prior substantiated child welfare investigation might warrant a closer look at the family dynamics than would normally be warranted and result in some requirement for family counseling as part of the diversion contract. Formal court action on the shoplifting incident may even be required to adequately address the familial issues if it is felt that these contributed to the youth’s behavior.
- <sup>8</sup> See R. Wiebush, R. Freitag, and C. Baird. *Preventing Delinquency Through Improved Child Protection Services*. (July, 2001). OJJDP Juvenile Justice Bulletin.
- <sup>9</sup> See W. Walsh, L. Jones, and T. Cross. *Children’s Advocacy Centers: One Philosophy, Many Models*. (Summer, 2003) APSAC Advisor, Vol. 15, Number 3. This article describes the shared characteristics of CACs as well as the different forms CACs take in different locales. The article also describes the soon to be completed multi-site evaluation of CACs being conducted by the Crimes Against Children Research Center based at the University of New Hampshire. CACs exist in urban and rural areas across the country.
- <sup>10</sup> The *Resource Guidelines* were developed by the National Council of Juvenile and Family Court Judges (NCJFCJ) and set forth the necessary elements of a fair, thorough, and speedy court process in abuse and neglect cases.
- <sup>11</sup> The term “Model Court” was derived from the Victims of Child Abuse Model Court Project. This national project, funded by the Department of Justice, Office of Juvenile Justice and Delinquency Prevention, is intended to promote improvements in juvenile and family court handling of abuse and neglect cases. The Permanency Planning for Children Department of the NCJFCJ administers the Model Court project. However, it is important to recognize that the Model Courts do not claim to have reached an ideal state of practice, nor do they claim to have found the “right answer.” The focus of the Model Court project is on the “ongoing process of systems change,” where each jurisdiction sets its own goals, works toward implementation of best practices (as outlined in the *Resource Guidelines*), and “continually revisits its mission and goals for further reform.” See Permanency Planning for Children Department. *Child Victims Act Model Court Project Status Report 1999*. (January 2000) National Council of Juvenile and Family Court Judges, Technical Assistance Bulletin, Volume IV, No. 1. More recent *Status Reports* are also available from NCJFCJ for 2000 through 2003.
- <sup>12</sup> In the Hamilton County (Cincinnati, OH) Juvenile Court, pre-adjudicatory and adjudicatory delinquency proceedings on active dependent wards are conducted by judicial officers assigned to the court’s delinquency docket. However, disposition on the delinquency matter is the responsibility of the magistrate assigned to the child’s open dependency case.

- <sup>13</sup> For example, see J. K. Irvine, J. Krysik, C. Riskey-Curtiss, and W. Johnson. *Interagency Case Management Project: Final Impact and Cost Study Report*. (May, 2001). Prepared for the Maricopa County (Phoenix, Arizona) Interagency Case Management Project Evaluation Oversight Committee. This study found significant cost savings related to reductions in lengths of stays in out of home placements for multi-system youth placed in an interagency case management project (ICMP) versus a comparison group of youth who were not in the ICMP. The study also found no significant differences in subsequent delinquent referrals despite the fact that ICMP cases had more extensive delinquent histories.
- <sup>14</sup> The evaluation of Maricopa County's ICMP, discussed earlier, also found that families assigned ICMP case managers experienced significantly less changes in case managers than non-ICMP cases. Specifically, the ICMP cases averaged just over one case manager assigned during the study period while non-ICMP cases averaged close to five case managers assigned during the same period.
- <sup>15</sup> See J. Gilbert, R. Grimm, and J. Parnham. *Applying Therapeutic Principles to a Family-Focused Juvenile Justice Model*. (June, 2002). University of Arizona Law Review.
- <sup>16</sup> See C. Burke and S. Pennell. *Reducing Delinquency Through A Family-Based Approach: Reflections*. (March, 2002). San Diego Regional Planning Agency, San Diego, California.
- <sup>17</sup> See A. Stahl, T. Finnegan, and W. Kang. "Easy Access to Juvenile Court Statistics: 1985-2000." Online. Available: <http://ojjdp.ncjrs.org/ojstatbb/ezajcs/>
- <sup>18</sup> The Justice Research and Statistics Association's Juvenile Justice Evaluation Center website ([www.jrsa.org/jjec/programs/gender](http://www.jrsa.org/jjec/programs/gender)) contains a thorough listing and brief summaries of promising gender-specific programs for girls, and related resources.
- <sup>19</sup> See H.N. Snyder, R.C. Espiritu, D. Huizinga, R. Loeber, and D. Petechuk. *Prevalence and Development of Child Delinquency*. (March 2003). *Child Delinquency Bulletin Series*. Office of Juvenile Justice and Delinquency Prevention.
- <sup>20</sup> See H.N. Snyder and M. Sickmund. *Juvenile Offenders and Victims: 1999 National Report*. (1999). Washington, D.C. Office of Juvenile Justice and Delinquency Prevention.
- <sup>21</sup> See B.J. Burns, et. al. *Treatment, Services, and Intervention Programs for Child Delinquents*. (March 2003). *Child Delinquency Bulletin Series*. Office of Juvenile Justice and Delinquency Prevention.
- <sup>22</sup> The formal agreements covering creation of the CPS Liaisons in Tarrant County and Bexar County, Texas offer two excellent examples. These agreements contain very specific goals that transcend traditional CPS and juvenile justice boundaries. Copies of these agreements can be obtained by contacting the liaisons in each county.
- <sup>23</sup> In response to the growing interest in dual jurisdiction issues, NCJJ is drafting a simple to use planning guide with references to the five broad categories of suggested practices covered in this paper, as well as the more specific promising practices and programs discussed within each category. When ready, the planning guide can assist courts, probation departments, child welfare agencies, and others as they pursue effective interventions for dual system youth.

## Sources

- American Probation and Parole Association Issues Paper: Caseload Standards*. Retrieved from the Web: <http://www.appa-net.org/about%20appa/caseloadstandards.htm>
- Bailey, C. et. al. 2000. *Status Report 1999: A Snapshot of the Child Victims Act Model Courts Project*. Reno, NV: Permanency Planning for Children Department, National Council of Juvenile and Family Court Judges.
- Bailey, C. et. al. 2001. *Status Report 2000: A Snapshot of the Child Victims Act Model Courts Project*. Reno, NV: Permanency Planning for Children Department, National Council of Juvenile and Family Court Judges.
- Burke, C., and Pennell, S. 2002. *Reducing Delinquency Through A Family-Based Approach: Reflections*. San Diego, CA: San Diego Regional Planning Agency.
- Burns, B.J. et. al. 2003 (March). *Treatment, Services, and Intervention Programs for Child Delinquents*. Bulletin. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Child Welfare League of America. 1999. *Standards of Excellence for Service for Abused or Neglected Children and Their Families (Revised Edition)*. Washington, DC: Child Welfare League of America.
- Code of Ethics of the National Association of Social Workers*. 1999. Washington, DC: National Association of Social Workers. Retrieved from the Web: <http://www.socialworkers.org/pubs/code/code.asp>.

*Delinquents Under 10 – Targeting The Young Offender*. 1999. Workshop. Minneapolis, MN: University of Minnesota Law School, Institute on Criminal Justice.

*Desktop Guide to Good Juvenile Probation Practice*. Edited by P. Griffin and P. Torbet. 2002. Pittsburgh, PA: National Center for Juvenile Justice.

ELSAN Associates. *IMPACT Final Report*. 2003. Sacramento, CA: Prepared for the Sacramento County Probation Department and the California Board of Corrections.

English, D.J., Widom, C.S., and Brandford, C. 2001. *Childhood Victimization and Delinquency, Adult Criminality, and Violent Criminal Behavior: A Replication and Extension, Final Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

Gilbert, J. Grimm, R. and Parnham, J. 2001. *Applying Therapeutic Principles to a Family-Focused Juvenile Justice Model*. Tuscaloosa, AL: Alabama Law Review 52: 1153-1212.

Irvine, J.K., Krysik, J., Risley-Curtiss, C., and Johnson, W. 2001. *Interagency Case Management Project: Final Impact and Cost Study Report*. Phoenix, AZ: Prepared for the Maricopa County Interagency Case Management Project Evaluation Oversight Committee.

Kelley, B.T., Thornberry, T.P., and Smith, C.A. 1997 (August). *In the Wake of Childhood Maltreatment*. Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

National Council of Juvenile and Family Court Judges. 1995. *Resource Guidelines: Improving Court Practices in Child Abuse and Neglect Cases*. Reno, NV: Permanency Planning for Children Department, National Council of Juvenile and Family Court Judges.

National Council of Juvenile and Family Court Judges. 2000. *Adoption and Permanency Guidelines: Improving Court Practices in Child Abuse and Neglect Cases*. Reno, NV: Permanency Planning for Children Department, National Council of Juvenile and Family Court Judges.

Portune, Lisa. 2002. *Model Court Approaches to Information Technology: A Dependency Court Data System Implementation Guide*. Reno, NV: Permanency Planning for Children Department, National Council of Juvenile and Family Court Judges.

Ross, T., Conger, D., and Armstrong, M. 2002 (May/June). Bridging Child Welfare and Juvenile Justice: Preventing Unnecessary Detention of Foster Children. *Child Welfare* 81(3): 471-494.

Siegel, G.C. and Halemba, G.J. 2002. *Dually Involved Youth Technical Assistance Report*. Phoenix, AZ: Prepared for the Arizona Supreme Court, Administrative Office of the Courts.

Siegel, G.C. 1999. *The Impact of the Mesa Center Against Family Violence on Child Abuse Investigations*. Phoenix, AZ: Prepared for the Arizona Governor's Division for Children and the Arizona Children's Justice Task Force.

Snyder, H.N. and Sickmund, M. 1999. *Juvenile Offenders and Victims: 1999 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Snyder, H.N., Espiritu, R.C., Huizinga, D., Loeber, R., and Petechuk, D. 2003 (March). *Prevalence and Development of Child Delinquency*. Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Stahl, A., Finnegan, T., Kang, W. (2003). "Easy Access to Juvenile Court Statistics: 1985-2000." Online. Available:<http://ojjdp.ncjrs.org/ojstatbb/ezaajcs/>

Stewart, A., Dennison, S., and Waterson, E. 2002 (October). Pathways from Child Maltreatment to Juvenile Offending. *Trends & Issues in Crime and Criminal Justice*. Australian Institute of Criminology.

Tuell, J.A. 2003. *Promoting a Coordinated and Integrated Child Welfare and Juvenile Justice System*. Washington, DC: Child Welfare League of America.

Walsh, W., Jones, L., and Cross, T. 2003 (Summer). Children's Advocacy Centers: One Philosophy, Many Models. *The Advisor*, 15(3).

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